

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE

CHRIS AND LINDA SCHMITZ, on behalf
of themselves and their minor children,

Plaintiffs

vs.

ALLSTATE INSURANCE COMPANY,

Defendant.

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No. _____
JURY DEMAND

NOTICE OF REMOVAL

The above-named Defendant, Allstate Insurance Company, pursuant to 28 U.S.C. § 1441, et seq. for its Notice of Removal of an action instituted by the above-named Plaintiffs against it as Defendant, shows unto the Court:

1. Plaintiffs are citizens and residents of Hawkins County, Tennessee, and so plead in their Complaint.

2. Defendant Allstate Insurance Company at all times pertinent to this cause of action is a foreign corporation incorporated in the State of Illinois. Allstate Insurance Company was not on January 20, 2007 and June 10, 2007, or any time before or after said date, up to and including the date this action was filed in the Circuit Court of Hawkins County, Tennessee, or on the date of the filing of this Notice of Removal, incorporated under the corporate statutes or other applicable law of the State of Tennessee, and has not at any time prior to or subsequent to and

including the date of the filing of this Notice of Removal, had its principal places of business in Tennessee.

3. The citizenship of the respective parties was the same as herein alleged at the time of the commencement of this action in the Circuit Court of Hawkins County, Rogersville, Tennessee, and on the date of the filing of this Notice of Removal.

4. On February 27, 2008, Plaintiffs instituted an action against Defendant in the Circuit Court for Hawkins County at Rogersville, Tennessee, by filing in said Court a Summons for the said Defendant and, at the initial pleading, a Complaint seeking judgment for the sum of money to be determined by the Jury, as a result of alleged events occurring on or about January 20, 2007 and June 10, 2007, when Plaintiffs allegedly sustained damages.

5. The Summons and Complaint issuing from the Clerk's Office of the Circuit Court for Hawkins County at Rogersville, Tennessee, was served on the Defendant through the Tennessee Department of Commerce of Insurance on March 3, 2008.

6. Less than thirty (30) days have transpired since service of the suit to the Defendant, up to and including the date of the filing of this Notice of Removal.

7. Defendant files with its Notice of Removal copies of all process, pleadings and other papers served upon it in the state action, to wit:

- (a) Complaint filed February 27, 2008;
- (b) Letter from the State of Tennessee Department of Commerce & Insurance to Allstate Insurance Company in care of CT Corporation dated March 6, 2008; and
- (c) Letter from CT Corporation to Kim Turner, Allstate Insurance Company dated March 11, 2008.

8. The amount in controversy in said action herein referred to exceeds the sum of Seventy-five Thousand Dollars (\$75,000.00), exclusive of interest and costs. Attached hereto as Exhibit A is the Sworn Proof of Loss submitted by Plaintiffs and in which they swear that the

amount of loss/claim totals \$424,699.00. Additionally, Plaintiffs plead in their Complaint for treble damages pursuant to the Tennessee Consumer Protection Act and for punitive damages and for damages pursuant to Tenn. Code Ann. §56-7-105 and attorneys fees.

WHEREFORE, Defendant prays that this Court to accept this Notice of Removal and proceed with this action in accordance with law.

DATED this the 18th day of March, 2008.

Respectfully submitted,

**ALLSTATE INSURANCE
COMPANY**

s/ Suzanne S. Cook

By _____
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